RECORD
AND
BRIEF

No. 16-348

In the Supreme Court of the United States

MIDLAND FUNDING, LLC, PETITIONER

v.

ALEIDA JOHNSON

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

JOINT APPENDIX

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PETITION FOR A WRIT OF CERTIORARI FILED: SEPTEMBER 16, 2016
CERTIORARI GRANTED: OCTOBER 11, 2016

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The following opinions, decisions, judgments, and orders have been omitted in printing the joint appendix because they appear as appendices to the petition for certiorari as follows:

Appendix A:	Court of appeals opinion (May 24, 2016)
Appendix B:	Court of appeals order (Aug. 19, 2016)
Appendix C:	District court order (Mar. 23, 2015)

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-11240

ALEIDA JOHNSON, f/k/a ALEIDA HILL,
Plaintiff-Appellant,

v.

MIDLAND FUNDING, LLC,
Defendant-Appellee

DOCKET ENTRIES

DATE	PROCEEDINGS
03/24/2015	CIVIL APPEAL DOCKETED. Notice of appeal filed by Appellant Aleida Johnson on 03/24/2015. Fee Status: Fee Paid. No hearings to be transcribed. The appellant's brief is due on or before 05/04/2015. The appendix is due no later than 7 days from the filing of the appellant's brief. Awaiting Appellant's CIP Due on 04/13/2015 as to Appellant Aleida Johnson.

* * * * *

DATE	PROCEEDINGS
07/10/2015	Appellant's brief filed by Aleida Johnson. (ECF: Daniel Geyser)
07/13/2015	Appendix filed [One VOLUMES] by Appellant Aleida Johnson. (ECF: Daniel Geyser).
	* * * * *
09/14/2015	Appellee's Brief filed by Appellee Midland Funding, LLC. (ECF: Jason Tompkins)
	* * * * *
10/27/2015	Supplemental Authority filed by Appellee Midland Funding, LLC. (ECF: Jason Tompkins)
10/30/2015	Reply Brief filed by Appellant Aleida Johnson. (ECF: Daniel Geyser)
	* * * * *
11/10/2015	Reply Brief filed by Appellant Aleida Johnson. Service 10/30/2015 email – Attorney for Appellees: Espy, Tompkins.
	* * * * *
04/13/2016	Oral argument held. Oral Argument participants were Daniel Luke Geyser for Appellant Aleida Johnson and Jason Brent Tompkins for Appellee Midland Funding, LLC in 15-11240, Daniel Luke Geyser for Appellants Judy N. Brock and Donald Cunningham and Derek Wayne Edwards for Appellees LVNV

DATE	PROCEEDINGS
	Funding, LLC and Resurgent Capital Services, L.P. in 15-14116. [15-11240, 15-14116]
	* * * * *
04/29/2016	Supplemental Authority filed by Appellee Midland Funding, LLC. (ECF: Jason Tompkins)
05/13/2016	Supplemental Authority filed by Appellant Aleida Johnson. (ECF: Daniel Geyser)
05/24/2016	Judgment entered as to Appellant Aleida Johnson in 15-11240, Appellants Judy N. Brock and Donald Cunningham in 15-14116. [15-11240, 15-14116]
05/24/2016	Opinion issued by court as to Appellants Judy N. Brock and Donald Cunningham in 15-14116. Decision: Reversed and Remanded. Opinion type: Published. Opinion method: Signed. The opinion is also available through the Court's Opinions page at this link http://www.ca11.uscourts.gov/opinions. [15-11240, 15-14116]
05/24/2016	Judgment entered as to Appellant Aleida Johnson.
	* * * * *
06/28/2016	CORRECTED Petition for rehearing en banc (with panel rehearing) filed by Appellee Midland Funding, LLC. (ECF:

DATE	PROCEEDINGS
	Jason Tompkins)
07/11/2016	Supplemental Authority in Support of Rehearing filed by Appellee Midland Funding, LLC. (ECF: Jason Tompkins)
08/12/2016	Supplemental Authority in Support of Rehearing filed by Appellee Midland Funding, LLC. (ECF: Jason Tompkins)
08/12/2016	Supplemental Authority in Support of Rehearing filed by Appellee Midland Funding, LLC. (ECF: Jason Tompkins)
08/19/2016	ORDER: The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled, the Petition(s) for Rehearing En Banc filed by Appellee Midland Funding, LLC are DENIED. [7887134-1]
	* * * * *
09/16/2016	Notice of Writ of Certiorari filed as to Appellant Aleida Johnson. SC# 16-348.
09/19/2016	Mandate issued as to Appellant Aleida Johnson.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA (MOBILE)

No. 1:14-cv-00322-WS-C

ALEIDA JOHNSON, f/k/a Aleida Hill, individually and on behalf of all similarly situated individuals, Plaintiff,

v.

MIDLAND FUNDING LLC, MIDLAND CREDIT MANAGEMENT, INC. & ENCORE CAPITAL GROUP, INC., Defendants

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DOCKET ENTRIES

DATE	#	PROCEEDINGS
07/14/2014	1	COMPLAINT against Midland Funding LLC (Filing fee $400 receipt number 1128-1607453, Online Credit Card Payment), filed by Aleida Johnson. (Attachments: # 1 Exhibit 1 - Midland Funding Claim No. 5) (Underwood, Earl) (Additional attachment(s) added on 7/15/2014: # 2 Civil Cover Sheet) (eec). (Entered: 07/14/2014)

* * * * *

10/07/2014	17	MOTION to Dismiss by Midland Funding LLC. (Tompkins, Jason) (Entered: 10/07/2014)
		* * * * *
11/04/2014	21	RESPONSE to Motion re: 17 MOTION to Dismiss filed by Aleida Johnson. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3) (Riemer, Kenneth) (Entered: 11/04/2014)
		* * * * *
11/12/2014	22	REPLY to Response to Motion 17 *Defendant's Reply in Support of Motion to Dismiss* filed by Midland Funding LLC. (Tompkins, Jason) (Entered: 11/12/2014)
		* * * * *
03/24/2015	28	ORDER granting 17 Motion to Dismiss. This action is dismissed with prejudice. Judgment shall be entered by separate order. Signed by Chief Judge William H. Steele on 3/23/2015. (mbp) (Entered: 03/24/2015)
		* * * * *
03/24/2015	30	JUDGMENT in favor of Midland Funding LLC against Aleida Johnson. Signed by Chief Judge William H. Steele on 3/23/2015. (mbp) (Entered: 03/24/2015)
03/24/2015	31	NOTICE OF APPEAL as to 30 Judgment. 28 Order on Motion to

Dismiss by Aleida Johnson (Filing fee $505 receipt number 1128-1716734, Online Credit Card Payment.) (Underwood, Earl) (Entered: 03/24/2015)

* * * * *

05/24/2016 36 OPINION of USCA as to 31 Notice of Appeal filed by Aleida Johnson, REVERSED AND REMANDED. (Mandate to issue at a later date.) ref. Judge Steele (jal) (Entered: 05/24/2016)

* * * * *

09/23/2016 40 MOTION for Leave to File *Amended Complaint* by Aleida Johnson. (Attachments: # 1 Amended Complaint) (Riemer, Kenneth) (Entered: 09/23/2016)

* * * * *

09/30/2016 43 RESPONSE TO 40 MOTION for Leave to File *Amended Complaint* filed by Midland Funding LLC. (Tompkins, Jason) (Entered: 09/30/2016)

* * * * *

10/03/2016 44 ORDER granting 40 Motion for Leave to File an amended complaint. The plaintiff is to file and serve her amended complaint by 10/10/16. The defendant is to file its response by 10/24/16. Signed by Chief Judge Wil-

liam H. Steele on 10/3/2016. (mbp) (Entered: 10/03/2016)

10/10/2016 45 AMENDED COMPLAINT against All Defendants, filed by Aleida Johnson. (Attachments: # 1 Exhibit 1) (Riemer, Kenneth) (Entered: 10/10/2016)

10/13/2016 46 Unopposed MOTION to Stay by Midland Funding LLC. (Tompkins, Jason) (Entered: 10/13/2016)

* * * * *

10/18/2016 48 Order granting 46 Unopposed MOTION to Stay filed by Midland Funding LLC. This stay will expire at the close of business on 6/30/2017. Signed by Chief Judge William H. Steele on 10/18/2016. (tgw) (Entered: 10/18/2016)

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA (MOBILE)

No. 14-00917

In re: ALEIDA QUWANNA JOHNSON, a/k/a Aleida Johnson, a/k/a/ Aleida Q. Hill, a/k/a/ Aleida Hill, a/k/a Aleida Quwanna Hill, Debtor I

DOCKET ENTRIES

DATE	#	PROCEEDINGS
03/24/2014	1	Chapter 13 Voluntary Petition, All Schedules and Statements Fee Amount $281 (Case Upload) filed by James D. Patterson on behalf of Aleida Quwanna Johnson. (Patterson, James) (Entered: 03/24/2014)
03/24/2014	2	Chapter 13 Plan Filed by on behalf of Aleida Quwanna Johnson (Patterson, James) (Entered: 03/24/2014)
		* * * * *
05/30/2014	16	NEGATIVE NOTICE: Objection to Claim Number 5 by Claimant Midland Funding LLCC. (Patterson, James) Objections due by 6/30/2014. (Entered: 05/30/2014)
		* * * * *

07/11/2014	22	Order Granting Objection to Claim Number 5 by Claimant Midland Funding LLC.(Related Doc # 16) Signed on 7/11/2014 (TAW) (Entered: 07/11/2014)
		* * * * *
09/15/2014	42	Order Confirming Chapter 13 Plan (Chapter 13 Trustee (Auto-File)) (Entered: 09/15/2014)
		* * * * *
06/10/2015	55	NEGATIVE NOTICE Trustee's Motion to Dismiss Case *with a 90 day injunction* Objections to Trustee Motion to Dismiss due by 7/1/2015. (Chapter 13 Trustee (Auto-File)) (Entered: 06/10/2015)
		* * * * *
06/22/2015	58	Consent Order Conditionally Denying Trustee's Motion to Dismiss. (Related Doc # 55) Signed on 6/22/2015. (Todd, D) (Entered: 06/22/2015)
		* * * * *
05/12/2016	62	Order Dismissing Chapter 13 Case. Dismissed for failure to Comply with Consent Order. Signed on 5/12/2016 (related document(s) 58 Order on Trustee's Motion to Dismiss Case (batch)) (TAW) (Entered: 05/12/2016)

* * * * *

05/17/2016	65	Motion to Reinstate a Dismissed Case Filed by James D. Patterson of Underwood & Riemer, PC on behalf of Aleida Quwanna Johnson. (Patterson, James) (Entered: 05/17/2016)

* * * * *

06/21/2016	70	Order Conditionally-Granting Motion To Reinstate a Dismissed Case. The Debtor will resume making plan payments of $466.00 per month. (Related Doc # 65) Signed on 6/21/2016. (TAW) (Entered: 06/21/2016)

* * * * *

B 10 (Official Form 10) (12/12) Chapter 13

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF ALABAMA		PROOF OF CLAIM
Name of Debtor: ALEIDA HILL	Case Number: 14-00917	
NOTE: Do not use this form *to make a claim for an administrative expense arising after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.*		
Name of Creditor (The person or other entity to whom the debtor owes money or property): MIDLAND FUNDING LLC		**COURT USE ONLY**
Name and address where notices should be sent: Midland Credit Management, Inc. as agent for MIDLAND FUNDING LLC PO Box 2011 Warren, MI 48090 Telephone number: (877) 495-2902 Fax: (866) 818-1718 email: MBX_ILMS_Bankruptcy@MCMCG.com		❑ Check this box to indicate that this claim amends a previously filed claim **Court Claim Number:** _____ *(If known)* Filed on: _____
Name and address where payments should be sent (if different from above): Telephone Number: email		❑ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

1. Amount of claim as of Date Case Filed: $1,879.71 If all or part of your claim is secured, complete item 4. If all or part of your claim is entitled to priority, complete item 5. ❑ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
2. Basis for Claim: Revolving Credit/Services Rendered (See instruction #2.)		
3. Last four digits of any number by which creditor identifies debtor: [REDACTED]	3a. Debtor may have scheduled account as FINGERHUT CREDIT ADVANTAGE (See instruction #3a.)	3b. Uniform Claim Identifier (optional) _____ (See instruction #3b.)
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a settoff and provide the requested information. **Nature of property or right of setoff:** ❑ Real Estate ❑ Motor Vehicle ❑ Other (Judgement Lien) **Describe:** **Value of Property: $**_____ **Annual Interest Rate:** ____% **❑ Fixed ❑ Variable (when case was filed)**		Amount of arrearage and other charges as of time case filed included in secured claim, if any: $_____ Basis for perfection: _____ Amount of Secured Claim: $ _____ Amount unsecured: $ _____
5.Amount of Claim Entitled to Priority under 11 U.S.C. §.507(a). If any portion of your claim falls in one of the following cate-		

gories, check the box and state the amount.

❑ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B)

❑ Wages, salaries, or commissions (upto $12,475*) earned within 180 days before case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507(a)(4)

❑ Contributions to an employee benefit plan – 11 U.S.C. §507(a)(5)

❑ Up to $2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507(a)(7)

❑ Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8)

❑Other – Specify applicable paragraph of 11 U.S.C. §507(a)(_)

Amount entitled to priority

$ _____

**Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (see instruction #6)

7. **Documents:** Attach **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redated copies of the documents providing evidence of perfection of a security interest is attached. (See instruction #7, and the definition of "redacted".)
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. **Signature:** (See instruction #8)
Check the appropriate box.

❑ I am the creditor	☒ I am the creditor's authorized agent. (Attach copy of power of attorney, if any.)
❑ I am the trustee, or debtor, or their authorized agent. (See Bankruptcy Rule 3004.)	❑ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005).

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Heather Lynch

Title: Bankruptcy Specialist

Company: Midland Credit Management, Inc.

/s/ Heather Lynch 06/29/2014

(Signature) (Date)

Address and telephone number (if different from notice address above):

Telephone number: email:

Penalty for presenting a fraudulent claim: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number: Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy	**4. Secured Claim:** Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions) If the claim is secured, check the box for the nature and value of the property that secures the claim, attach copies

court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person s who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs form the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as a Date Case Filed:

State the total amount owed to the creditor on the date of bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to

of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate *(and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).

If any portion of the claim falles into any category shown, check the appropriate box(es) and stat the amount entitled to priority. (See Definitions) A claim may be partily piority and partly non-priority. For example, in some categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim services as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open and end or revolving consumer credit agreement or secured by a se-

provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24 character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

curity interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves FRBP 3001(c) and (d) if the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirement of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs form the address given on the top of the form for

	purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name and individual filing the claim and the name of the agent. If the authorized agent is a service, identify the corporate services as the company. Criminal penalties apply for making a false statement on a proof of claim.

ACCOUNT(S) SUMMARY

ACCOUNT INFORMATION:

ACCOUNT HOLDER(S) ALEIDA HILL		**CURRENT CREDITOR** Midland Funding LLC		
ORIGINAL CREDITOR NAME FINGERHUT CREDIT ADVANTAGE		**ORIGINAL CREDITOR ACCOUNT NO** [REDACTED]	**ASSIGNOR** (if other than original creditor) JEFFERSON CAPITAL SYSTEMS LLC	
TOTAL CLAIM AMOUNT $1,879.71	**UNSECURED PRINCIPAL** $1,879.71	**INTEREST DUE** $0.00	**FEES** $0.00	**COSTS** $0.00
DATE OF LAST TRANSACTION 05/28/2003	**CREDITOR AT DATE OF LAST TRANSACTION** FINGERHUT CREDIT ADVANTAGE	**CHARGE-OFF DATE** 01/05/2004	**DATE OF LAST PAYMENT** 05/28/2003	

NOTICE AND PAYMENT INFORMATION:

ADDRESS	PHONE/FAX	EMAIL	REFERENCE NUMBER
P.O. BOX 2011 WARREN MI 48090	(877) 495-2902 (866) 818-1718	MBX_ILMS_ Bankruptcy@ MCMCG.com	14-409326

IN THE UNITED STATES BANKRUPTCY COURT
OF THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

No. 14-00917 WSS
Chapter 13

In re: ALEIDA QUWANNA JOHNSON, Debtor(s)

OBJECTION TO CLAIM

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Standing Order, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a written objection within thirty (30) days from the date of service of this paper. If you object to the relief requested in this paper, you must file a written objection stating the specific ground or grounds on which your objection is based with the Clerk of the Court at 201 St. Louis Street, Mobile, Alabama 36602, and serve a copy on the movant's attorney, James D. Patterson, 166 Government St., Suite 100, Mobile, AL 36602.

If you file and service a written objection stating the specific ground or grounds on which your objection is based within the time permitted, the Court will schedule a hearing and you will be notified. IF YOU DO NOT FILE A PROPER WRITTEN OBJECTION WITHIN THE TIME PERMITTED, THE COURT WILL CONSIDER THAT YOU DO NOT OPPOSE THE GRANT-

ING OF THE RELIEF REQUESTED IN THE PAPER, WILL PROCEED TO CONSIDER THE PAPER WITHOUT FURTHER NOTICE OR HEARING, AND MAY GRANT THE RELIEF REQUESTED.

COME NOW the Debtor(s) Aleida Quwanna Johnson, in the above styled matter, by and through their attorney, and object to the following claim:

Creditor	Claim No.	Amount	Specific Basis for Objection
Midland Funding LLC	5	$1,879.71	Claim does not contain supporting documentation.

Wherefore, Debtor(s) request that after notice and hearing, the unsecured general claim be reduced to $0.00.

/s/ James D. Patterson
James D. Patterson, Esq.
Underwood & Riemer, PC
166 Government Street, Suite 100
Mobile, Alabama 36602
Telephone: (251) 432-9212
jpatterson@alalaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 30th of May, 2014, I have served a true and correct copy of the foregoing upon John C. McAleer, III, Chapter 13 Trustee, and the following via electronic service or by placing a copy of same in the United States Mail, first class prepaid to the following:

Midland Funding LLC
P O Box 2011
Warren, MI 48090

/s/ James D. Patterson
James D. Patterson, Esq.

IN THE UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

No. 14-00322

ALEDIA Q. JOHNSON, a/k/a ALEDIA HILL, individually and on behalf of a class of others similarly situated, Plaintiff,

v.

MIDLAND FUNDING, LLC, Defendant

CLASS ACTION COMPLAINT

COMES NOW the Plaintiff, Aledia Johnson (hereafter the "Plaintiff") by counsel, and asserts her claims against the above named Defendants as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331 because the complaint contains claims that arise under the laws of the United States.

2. Venue is proper in this District because the acts and transactions occurred here and all the parties reside or transact business here.

PRELIMINARY STATEMENT

3. This is an action for actual damages, statutory damages, costs and attorney's fees brought pursuant to

the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 ("FDCPA"). Plaintiff brings this action individually and on behalf of all others similarly situated to recover damages by reason of the Defendant's violations of the FDCPA. The violating actions addressed in this Complaint stem from attempts to collect a time barred debt by filing a proof of claim form in Plaintiff's Chapter 13 bankruptcy case.

PARTIES

5. Plaintiff is a natural person and adult resident of Mobile County, Alabama. She is a "Consumer" as defined by 15 U.S.C. § 1692a(3).

6. Defendant MIDLAND FUNDING, LLC, ("Midland") does business within the State of Alabama.

7. Midland, according to its website, is one of the nation's biggest buyers of unpaid debt.[1] Midland purchases accounts with an unpaid balance where consumers have gone at least 180 days without making a payment, or paid less than the minimum monthly payment.

8. Midland is regularly engaged in the practice debt collection.

9. The defendant sends collection letters and places collection calls as a regular part of its business.

10. Defendant is debt a collector as defined by the FDCPA.

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[1] See http://www.midlandcreditonline.com/who-is-mcm/midland-funding-llc/

FACTUAL ALLEGATIONS

11. Plaintiff, on March 24, 2014, filed for relief under Chapter 13 of Title 11 U.S. Code in the Bankruptcy Court for the Southern District of Alabama, Case Number 14-00917.

12. The Defendant, on or about May 29, 2014, filed a proof of claim against her in her bankruptcy case seeking to collect the sum of $1,879.71.

13. The claim, attached as Exhibit One, states the original creditor is "Fingerhut Credit Advantage" and that the date of the last transaction on the account was stated as May 28, 2003.

14. No documentation was attached to the claim.

15. The claim is, on its face, barred by the applicable statute of limitations.

16. The filing of such a claim is an attempt to collect a time barred debt and a violation of at least Sections 1692e and 1692f of the FDCPA because it is "unfair," unconscionable," deceptive," and misleading.

COUNT I
(FDCPA VIOLATION)

17. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set out herein.

18. As a result of its violations of the FDCPA, Midland is liable to Plaintiff for actual and statutory damages, plus costs and attorney's fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for the following:

A. Actual and statutory damages pursuant to 15 U.S.C. § 1692k;

B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k; and

C. Such other and further relief as this Court deems just and proper, the premises considered.

COUNT II
(CLASS ACTION ALLEGATIONS)

19. Plaintiff realleges and adopts all of the relevant foregoing paragraphs contained in this complaint.

20. Plaintiff prays that this court will certify this action as a class action as provided by Federal Rules of Civil Procedure, Rule 23, and realleges and incorporates by reference the allegations and counts of complaint on behalf of all those persons hereinafter described belonging to the class or any sub-class therein.

21. Plaintiff brings this action on behalf of himself and all members of a class defined as all consumers in the United States who:

a. Filed for relief under chapter 13 of title 11 U.S. Code; and

b. The defendant filed one or more claims, as that term is used in 11 U.S.C. § 501, in connection with debts whose collection was barred by the applicable limitations period;

c. Within a period, beginning one year prior to the filing of the original complaint through the date of the certification of a class herein.

22. The class is so numerous, that joinder of all members is impractical. Plaintiff further avers that

there are questions of law or fact common to the class relating to the conduct of the defendant regarding said claims. Plaintiff further avers that their claims or defenses, as representative of the class, are typical of the class. Plaintiff further avers that in a representative capacity she will fairly and adequately protect the interest of the class.

23. Each class member has, or has been subjected to collection activity in violation of the FDCPA because the defendant has or attempted to collect a time barred debt from class members.

24. Names and addresses of class members are presently unknown to plaintiff, but can be readily ascertained from the defendant's business records.

25. Common or similar issues of law and fact predominate over individual issues. These common issues include, but are not limited to the following:

a. Whether Midland violated the FDCPA by filing a Proof of Claim related to a time barred debt;

b. What is the appropriate remedy for Midland's violation of the FDCPA?

26. Proof of common facts and legal doctrines by the representative plaintiff will determine the claims of each member of the class.

27. This class action proceeding will provide a practical basis for the determination of all interest of the parties, prevent inconsistent adjudications, maximize judicial economy, and is superior to all other available methods of fair and efficient adjudications of the controversy.

28. The named representative's claims are typical and representative of the class.

29. It is and was the practice of Defendant to attempt debt collection that was in violation of the FDCPA as stated in the above.

WHEREFORE, Plaintiff prays that this court will certify this as a class action, and award the members of the class herein the remedies provided for in 15 U.S.C. § 1692k(a)(2)(B).

Respectfully Submitted,

/s/ Earl P. Underwood, Jr.

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PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS MATTER.

/s/ Earl P. Underwood, Jr.
Earl P. Underwood, Jr. (UNDEE6591)

DEFENDANT WILL BE SERVED BY CERTIFIED MAIL AT:

CSC LAWYERS INCORPORATING SRV INC	
Registered Office Street Address	150 S PERRY ST MONTGOMERY, AL 36104